

**FILE**

**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D. C. 20554

**FEB 3 2004**

**OFFICE OF  
MANAGING DIRECTOR**

Gregory L. Haymon, CPA  
Senior Manager of Tax  
St. Thomas and San Juan Telephone Co., Inc.  
Primus Telecommunications, Inc.  
1700 Old Meadow Road  
McLean, VA 22102

Re: Request of Waiver of Late Penalty  
Fiscal Year 2002 Regulatory Fee  
Fee Control No. 00000RROG-04-028  
Bill No. FY03CB0423

Dear Mr. Haymon:

This is in response to your request dated August 26, 2003, filed on behalf of the St. Thomas and San Juan Telephone Company, for a refund of the \$152.17 penalty for late payment of the company's \$608.68 Fiscal Year (FY) 2002 regulatory fee. Your request refers to Bill No. FY03CB0423, dated August 8, 2003. Our records reflect that you submitted both the regulatory fee and the late penalty at the time of your refund request.


In support of your request, you assert that you mailed the St. Thomas and San Juan Telephone Company's check for its FY 2002 regulatory fee, on September 20, 2002, by certified mail, along with checks and reports for three other entities. You submit photocopies of the Certified Mail Receipt and of two of the other checks that were cashed by the Commission. You state that you believe that the payment for St. Thomas and San Juan Telephone Company was sent in a timely manner and received by the FCC, but that it was not cashed. You submit a replacement check for the FY 2002 regulatory fee and the late payment fee and request a refund of the penalty.

We acknowledge that the information presented may seem to suggest that the check was mailed in a timely fashion. However, we only can waive the late payment penalty upon proof that it was received at the Mellon Bank by September 25, 2002, the final date of the regulatory fee filing window for FY 2002. See 47 C.F.R. § 1.1164. While we are sympathetic to the difficulty in establishing that we received a check that was not cashed, the copy of a receipt indicating the mailing of a certified letter does not prove that the uncashed check was enclosed in the certified letter or that the certified letter was received by September 25, 2002. Thus, there is no evidence that establishes that we received the St. Thomas and San Juan Telephone Company's regulatory fee by the required date.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. 47 U.S.C. § 159(c)(1); 47 C.F.R. § 1.1164. It is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. We find that the St. Thomas and San Juan Telephone Company has not established that it met its obligation to file its regulatory fee in a timely manner. We therefore deny your request to refund the penalty for late payment of the St. Thomas and San Juan Telephone Company's FY 2002 regulatory fee. To avoid similar problems of receipt or proof for future regulatory fee payments, you may wish to consider electronic transfer, a method of payment provided for in our rules. 47 C.F.R. § 1.1158; *See, e.g., Public Notice, FY 2002 Interstate Telecommunications Service Providers Regulatory Fees*, August 5, 2002, "Wire Transfer Payment Instructions," p.6.

If you have any questions concerning this matter please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger  
Chief Financial Officer



August 26, 2003

Mr. Tom Putnam  
Federal Communications Commission  
Office of Management Director  
Revenue & Receivables Operations Group  
445 12<sup>th</sup> Street, SW  
Office 1-A 840  
Washington, DC 20554

RE: The St Thomas & San Juan Telephone Company, 808677-2002  
Waiver of Penalty, FY03CB0423

Dear Mr. Putnam:

We would like to request a waiver of penalties on the above-mentioned company. On July 24, your office issued notice that the company's annual fee of \$608.68 was not paid and that an additional assessment of \$152.17 in penalties was due. After reviewing our records, we have determined that the check was submitted to your office in a timely manner but never cashed.

The check in question, number 51453, was sent on September 20 by certified mail (see Attachment A) along with reports and check for 4 other entities we report, namely Primus Telecommunications (number 811564), STSJ Overseas (number 808678), Rockwell Communications (number 807086) and Least Cost Routing (number 815111). The checks used to pay the fees for these entities are numbers 51454, 51455, 51451, and 51452 respectfully. Checks number 51452 and 51454 were cashed by your office and included as Attachments B and C for your review.

In conclusion, we believe that the payment was sent in a timely manner and received by your office. The fact that it was not cashed is an unfortunate development and one we are willing to correct by submitting the enclosed replacement check for the fee and penalty. However, in light of the facts, we would ask that the sum of \$152.17 be refunded. Should you have any questions, please contact Mr. Timothy Watts at 703-394-4547. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory L. Haymon". The signature is fluid and cursive, with a prominent "G" and "H".

Gregory L. Haymon, CPA  
Senior Manager of Tax  
St Thomas & San Juan Telephone Co., Inc.

**RECEIVED SEP 22 2003**

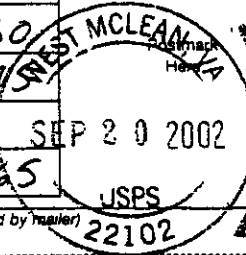
Attachment A

**U.S. Postal Service**  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

4405 2522 1100 0046 6607

Article Sent To:	
FCC	
Postage	\$ .60
Certified Fee	2.30
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.65
Name (Please Print Clearly) (to be completed by mailer)	
Street, Apt. No., or PO Box No. PO Box 358835	
City, State, ZIP+4 Pittsburg, PA 15251-5835	

PS Form 3800, July 1999



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits

1 Article Addressed to:

Federal Communications Comm.  
 PO Box 358835  
 Pittsburg, PA, 15251-5835

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☐ Agent  
 X ☐ Addressee

B Received by (Printed Name) C Date of Delivery

D Is delivery address different from item 1? ☐ Yes  
 If YES, enter delivery address below. ☐ No

3 Service Type  
☒ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ COD

4 Restricted Delivery? (Extra Fee) ☐ Yes

2 Article Number

(Transfer from service label)

7099 3400 0011 2252 5044



Non-Public For Internal Use Only

## RAMIS ACCOUNT RECEIVABLES

Friday January 2,

### Check Number Query Report

FEE Control Number .	0209258835452002		
Customer FRN	9999999982	FRN Name	GENERIC FRN
Check Number	514540000000		
Receipt Amount	\$209,141 17	Date Received	09/23/2002



Non-Public For Internal Use Only

**RAMIS ACCOUNT RECEIVABLES**

Friday, January 2

**Check Number Query Report**

FEE Control Number	0208138245329005		
Customer FRN	0007433253	FRN Name	Mr. Oscar S Estiler
Check Number	514556100000		
Receipt Amount	\$50.00	Date Received	08/12/2002
FEE Control Number	0208138245329006		
Customer FRN	0007433261	FRN Name	Mr. Roderick T Lupena
Check Number	514555100000		
Receipt Amount	\$50 00	Date Received	08/12/2002
FEE Control Number	0208138245329007		
Customer FRN	0007433279	FRN Name	Mr. Jonathan H Sy
Check Number	514558100000		
Receipt Amount	\$50 00	Date Received :	08/12/2002
FEE Control Number	0208138245329008		
Customer FRN	9999999982	FRN Name	GENERIC FRN
Check Number	514557100000		
Receipt Amount	\$50 00	Date Received	08/12/2002
FEE Control Number	0209278835029009		
Customer FRN	0004317798	FRN Name	Primus Telecommunications, In
Check Number	514550000000		
Receipt Amount	\$1,325 01	Date Received	09/23/2002



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**RAMIS ACCOUNT RECEIVABLES**

Friday, January 1,

**Check Number Query Report**

FEE Control Number	0209248994427018		
Customer FRN	0003868015	FRN Name	KELLER AND HECKMAN LI
Check Number	514510000000		
Receipt Amount	\$700.00	Date Received	09/23/2002
FEE Control Number	0209278835029001		
Customer FRN	0004317798	FRN Name	Primus Telecommunications, In
Check Number	514510000000		
Receipt Amount	\$3,444.46	Date Received	09/23/2002
FEE Control Number	0311198994526006		
Customer FRN	0004059267	FRN Name	RadioLand
Check Number	514510000000		
Receipt Amount	\$100.00	Date Received	11/18/2003



Non-Public For Internal Use Only

## RAMIS ACCOUNT RECEIVABLES

Friday, January 2

### Check Number Query Report

FEE Control Number	0209248835325001		
Customer FRN	9999999982	FRN Name :	GENERIC FRN
Check Number	514520000000		<i>Primus</i>
Receipt Amount	\$12,800 73	Date Received :	09/23/2002
FEE Control Number	0309298165135014		
Customer FRN	0004249850	FRN Name	Ramat Communications II, Ltd
Check Number	514520000000		
Receipt Amount	\$80 00	Date Received	09/26/2003
FEE Control Number	0311128994472023		
Customer FRN	0004059267	FRN Name	RadioLand
Check Number	514520000000		
Receipt Amount	\$100 00	Date Received	11/10/2003



# Federal Communications Commission

## Interstate Telephone Service Provider Regulatory Fee

Approved by OMB  
3060-0949

This packet contains the 2002 FCC Regulatory Fee Worksheet Form 159-W and a Remittance Advice Form 159. The FCC Form 159-W worksheet below has been completed using information from your previously submitted FCC Form 499-A. If any of this information is incorrect, please enter the correct figures on the blank worksheet enclosed and recalculate your regulatory fee. If all FCC regulatory fees that you owe total less than \$10, you are not required to file or remit payment. Otherwise, remit the fee either with this page, or with a completed Remittance Advice Form 159 and a correct Regulatory Fee Worksheet FCC 159-W.

### Attention:

Filing must be received by September 25, 2002. See Public Notice.

1413

The St. Thomas & San Juan Telephone Co., Inc.  
1700 Old Meadow Rd.  
Suite 300  
McLean, VA 22102

If the revenue information on this page is correct, you may sign in Block (30) and submit this page in lieu of a separate Remittance Advice Form 159 and Form 159-W Regulatory Fee Worksheet.

Block (22) - Applicant TIN

66-0446921

Please Verify  
TIN and FRN

Block (21) - Applicant FRN - CORESID

Block (23A) - FCC Call Sign/Other ID  
(Filer 499 ID) (Fee Year)

808677-2002

Block (24A) - Payment Type Code

0272

Block (25A) - Quantity

(Your regulatory fee base)

\$397,831.00

Block (27A) - Total Fee

\$608.68

Block (28A) - FCC CODE 1

(Interstate & Intl. end-user revenues)

\$397,831.00

Block (29A) - FCC CODE 2

(excluded interstate end-user revenues)

\$0.00

## FCC Form 159-W Regulatory Fee Worksheet (based on your FCC Form 499-A filing)

Calendar year 2001 revenue information shown in whole dollars		
1	Service provided by U.S. carriers that both originates and terminates in foreign points. FCC Form 499-A Line 412 (e)	\$0.00
2	Interstate end-user revenues from all telecommunications services. FCC Form 499-A Line 420 (d)	\$237,920.00
3	International end-user revenues from all telecommunications services except international-to-international. FCC Form 499-A Line 420 (e)	\$159,911.00
4	Total interstate and international end-user revenues (Sum of Lines 1, 2 and 3) Note: also enter this number on Block (28A) - "FCC Code 1"	\$397,831.00
5	End-user interstate mobile service monthly and activation charges. FCC Form 499-A Line 409 (d)	\$0.00
6	End-user international mobile service monthly and activation charges. FCC Form 499-A Line 409 (e)	\$0.00
7	End-user interstate mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (d)	\$0.00
8	End-user international mobile service message charges including roaming charges but excluding toll charges. FCC Form 499-A Line 410 (e)	\$0.00
9	End-user interstate satellite service. FCC Form 499-A Line 416 (d)	\$0.00
10	End-user international satellite service. FCC Form 499-A Line 416 (e)	\$0.00
11	Surcharges on mobile and satellite services identified as recovering universal service contributions and included in Line 403 (d) or 403 (e) on your FCC Form 499-A. (Note: you may not include surcharges applied to local or toll services, nor any surcharges identified as intrastate surcharges.)	\$0.00
12	Interstate and international revenues from resellers that do not contribute to USF. Form 499-A Line 511 (b)	\$0.00
13	Total excluded end-user revenues (Sum Lines 5 through 12.) Note: also enter this number on Block (29A) - "FCC Code 2"	\$0.00
14	Total subject revenues. (Line 4 minus Line 13) Note: also enter this number on Block (25A) - "Quantity"	\$397,831.00
15	Interstate telephone service provider fee factor	0.00153
16	2001 Regulatory Fee (Line 14 times Line 15)* Note: also enter this number on Block (27A) - "Total Fee"	\$608.68

Block (30) -

I, Charles W. Schwantes CERTIFY under penalty of perjury that the foregoing and supporting information is true and correct to the

(please print)

best of my knowledge, information and belief (Signature) [Signature] (Date) 9/1/2002

☐ MasterCard ☐ Visa ☐ Discover ☐ AmEx Credit Card # \_\_\_\_\_ Expiration Date \_\_\_\_\_

I hereby authorize the FCC to charge my credit card above for the services/authorizations herein described.

<See Public Notice for other payment options> (Signature) \_\_\_\_\_ (Date) 9/1/2002

If the above revenue data does not correspond to your 499-A filing, please contact the Form 499 Data Collection Agent at 973-560-4460.

Attention: Filing must be received by September 25, 2002. See Public Notice.

FCC FORM 159-W  
July 2001

# Federal Communications Commission Bill Collection

**FOR INQUIRIES CALL**  
1-202-418-1995

Bill Number	Bill Date	Please write your bill number on your remittance.
FY03CB0423	08/08/2003	

The St. Thomas & San Juan Telephone Co., Inc.  
1700 Old Meadow Rd.  
Suite 300  
McLean, VA 22102

**Payable to:**  
**Federal Communications Commission**  
**Send a copy of this bill to:**  
**Federal Communications Commission**  
**Revenue & Receivables Operations**  
**P.O. BOX 358835**  
**PITTSBURGH, PA 15251 - 5835**

Total Amount Due		Due Date
\$760.85	Total Amount Due Must Be Received By	09/08/2003

**BILL FOR UNPAID 2002 FY REGULATORY FEE OF \$608.68 AND 25% PENALTY OF \$152.17**  
**FILER ID: 808677 FRN: 0009182056**

**Please attach a copy of this bill to your payment to ensure proper credit.**

Payment Type Code	Quantity	Fee Due	
0272		\$608.68	\$608.68
0299		\$152.17	\$152.17
<b>Total Due</b>			<b>\$760.85</b>

**Payment Method:**    **Check**    ☐ **(Attach)**  
                              **Credit card**    ☐ **(Complete Below)**

☐ **MASTERCARD**    ☐ **VISA**    ☐ **AMERICAN EXPRESS**    ☐ **DISCOVER**

**Account No.:**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**Expiration:**

--	--	--	--	--	--	--	--

Month

Year

**I hereby authorize the FCC to charge my MASTERCARD or VISA for the service(s) / authorization(s) herein described.**

**AUTHORIZED SIGNATURE**

**DATE**